

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIE G. POWELL,

Defendant.

Case No. 2:07-cr-103

JUDGE EDMUND A. SARGUS, JR.

ORDER

This matter is before the Court on Defendant/Petitioner's Motion to Vacate, Correct, or Set Aside Sentence Pursuant to 28 U.S.C. § 2255. (ECF No. 62.)

Upon receipt of Mr. Powell's Motion in June 2023, the Court ordered the Government to respond (ECF No. 63), and the Government filed a Motion to Transfer § 2255 Petition to the Sixth Circuit (ECF No. 64). This Court granted the Government's Motion to Transfer (ECF No. 65) pursuant to 28 U.S.C. § 2244(b)(3)(A), and Defendant's Motion was transferred to the Sixth Circuit.

On August 9, 2023, the Sixth Circuit docketed Mr. Powell's appeal. *In re: Willie Powell*, Case No. 23-3652, ECF No. 1. The same day, the Sixth Circuit issued a ruling letter, advising Mr. Powell that his case had been transferred and he needed to satisfy certain obligations under Sixth Circuit Rule 22, including completing and returning a § 2244 application that the case manager attached to the ruling letter. *Id.* ECF No. 4; *see also* 6 Cir. R. 22(b) ("The clerk will provide an information sheet and motion form for an applicant who advises that he or she will move for authorization. . . . The applicant must use the court's form."). When Mr. Powell failed

to do so despite a 30-day extension to cure the deficiencies, the Sixth Circuit dismissed the action for want of prosecution. *Id.* ECF No. 5.

Given Mr. Powell did not receive the necessary authorization for this Court to consider his second or succession § 2255 Motion under § 2244(b)(3)(A), his Motion is **DISMISSED without prejudice** for lack of subject-matter jurisdiction. (ECF No. 62.) The clerk shall terminate ECF No. 62 as a pending motion.

IT IS SO ORDERED.

11/1/2023
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE